

Recommendation GFCM/42/2018/10

on access to information and data related to monitoring, control and surveillance within the framework of joint inspection and surveillance schemes

The General Fisheries Commission for the Mediterranean (GFCM),

CONSIDERING that the objective of the Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM Agreement) is to ensure the conservation and sustainable use, at the biological, social, economic and environmental level, of marine living resources in the GFCM area of application;

RECALLING Resolution GFCM/35/2011/2 on data confidentiality policy and procedures, amending Resolution GFCM/30/2006/1;

RECALLING Recommendation GFCM/41/2017/7 on a regional plan of action to combat illegal, unreported and unregulated fishing in the GFCM area of application;

RECALLING that this plan stipulates that contracting parties, non-contracting parties and cooperating non-contracting parties (CPCs) shall cooperate with each other and with the GFCM Secretariat to identify and discourage nationals who are operators and/or beneficial owners of vessels involved in illegal, unreported and unregulated (IUU) fishing;

RECALLING Recommendation GFCM/40/2016/1 on a regional scheme on port state measures to combat illegal, unreported and unregulated fishing activities in the GFCM area of application;

CONCERNED by the continuation of IUU fishing activities in the GFCM area of application and that these activities diminish the effectiveness of GFCM conservation and management measures;

RECOGNIZING that the identification of a vessel greatly facilitates monitoring, control and surveillance (MCS) activities in combating IUU fishing activities, and that there is a need to develop and implement such measures in a fair, transparent and non-discriminatory manner;

ADOPTS, in conformity with the provisions of Articles 5 b), 8 b) and 13 of the GFCM Agreement, the following recommendation:

PART I General objective and scope

1. The purpose of the present recommendation is to enhance access and exchange of information as essential components of an effective MCS system and, consequently, of sound fisheries management.
2. This recommendation shall apply to all CPCs engaged in pilot projects or international schemes for joint inspection and surveillance in the GFCM area of application.

PART II
Access to data and information

3. Upon request by CPCs engaged in inspection and control activities in the GFCM area of application and with the agreement of the relevant CPC's flag state, the GFCM Secretariat shall make available all the information it maintains pursuant to GFCM conservation and management measures, including but not limited to updated lists of authorized vessels and of designated landing ports.
4. CPCs and the GFCM Secretariat shall ensure the secure treatment of the information referred to in paragraph 3 and of related data, reports and messages, in particular when the processing involves electronic data transmission.
5. The GFCM Secretariat shall implement appropriate technical and organizational measures to protect data, reports and messages against accidental or unlawful destruction, accidental loss, alteration, unauthorized disclosure or access, and all inappropriate forms of processing.
6. This recommendation shall not prejudice the level of protection of individuals having regard to the processing of personal data under the provisions of national law.

PART III
Entry into force

7. CPCs shall transpose this recommendation into their national legislation, consistent with Articles 5 b), 8 b) and 13 of the GFCM Agreement. Where appropriate, they shall seek the support of the GFCM Secretariat so as to facilitate the transposition of this recommendation into their national legislation.